

AMENDED IN SENATE JANUARY 6, 2014

SENATE BILL

No. 712

Introduced by Senator Lara

February 22, 2013

~~An act to amend Section 8605 of the Elections Code, relating to elections. An act to add Section 25200.7.5 to the Health and Safety Code, relating to hazardous materials.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 712, as amended, Lara. ~~Elections: write-in candidates. Hazardous waste facility: permitting: interim status.~~

Existing law requires the facilities handling hazardous waste to obtain a permit from the Department of Toxic Substances Control. Existing law authorizes a hazardous waste facility in existence on a specified date or on the effective date of any statute or regulation that subjects the facility to the hazardous waste permitting requirements to continue to operate under a grant of interim status pending the review and decision of the department on the permit application.

This bill would require the department, on or before July 1, 2015, to take final action on an application for a hazardous waste facilities permit that is submitted by a facility operating under a grant of interim status on or before January 1, 1986, by either issuing a final permit or a final denial of the application. The bill would terminate the grant of interim status for such a facility on July 1, 2015, or on the date on which the department takes final action on the application, whichever is earlier. For other facilities granted interim status, the bill would terminate that status, as specified.

~~Existing law provides for the name of a person written in on a ballot for a voter-nominated office at a direct primary election to be placed~~

on the general election ballot as a candidate for that office if the person received, at the direct primary election, the highest number of votes cast for the office or the second highest number of votes cast for the office, except as provided.

This bill would require that a write-in candidate for a voter-nominated office, in addition to being one of the top two vote-getters, receive votes at the direct primary election equal in number to at least 1% of all votes cast for the office at the last preceding general election at which the office was filled in order for his or her name to be placed on the general election ballot as a candidate for that office. The bill also would make clarifying and conforming changes.

This bill would specify that its provisions become operative only if SCA _____ of the 2013–14 Regular Session is approved by the voters.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) California's public health and environmental protection
- 4 programs, policies, and activities should be conducted in a manner
- 5 that promotes equity and affords fair treatment, accessibility, and
- 6 protection for all residents, regardless of race, age, culture,
- 7 income, or geographic location.
- 8 (2) California needs to provide the greatest level of attention
- 9 and protection to those communities that are at the greatest risk
- 10 from those impacts.
- 11 (3) It is the mission of the California Department of Toxic
- 12 Substances Control to protect Californians and the environment
- 13 of California from harmful effects of toxic substances.
- 14 (4) The department ensures that hazardous waste facilities
- 15 comply with public health and safety requirements through
- 16 regulations, and permitting and inspection programs.
- 17 (5) Central to the regulation of hazardous waste facilities is
- 18 ensuring that entities that operate these facilities comply with
- 19 applicable laws and regulations, that facilities are operating under
- 20 proper permits, and that entities that frequently fail to comply with
- 21 applicable laws and regulations and pose a risk to public health

1 *and safety are not given new or renewed hazardous waste facilities*
2 *permits.*

3 *(6) For a full permit, the facility should submit an application*
4 *which is subject to a detailed technical review by the department,*
5 *a 45-day public comment period, a public hearing, and comply*
6 *with the California Environmental Quality Act (Division 13*
7 *(commencing with Section 21000) of the Public Resources Code).*
8 *Full permits should be renewed every 10 years, and permitted*
9 *facilities are subject to regular inspection by the department.*

10 *(7) One facility has been operating under an interim status*
11 *permit since 1985 and has repeatedly been found to have polluted*
12 *the surrounding environment and community with dangerously*
13 *high levels of lead and arsenic.*

14 *(8) Lead and arsenic are known carcinogens that increase the*
15 *risk of skin, lung, and lymphatic cancer, and can cause*
16 *developmental harm, damage to the nervous system, and damage*
17 *reproductive health.*

18 *(b) It is the intent of the Legislature to identify, protect, and*
19 *defend overburdened communities that suffer from asthma, cancers,*
20 *and other illnesses born from heavy industrial pollution and to*
21 *ensure increased public participation from affected communities*
22 *in the governmental decisionmaking process.*

23 *SEC. 2. Section 25200.7.5 is added to the Health and Safety*
24 *Code, to read:*

25 *25200.7.5. (a) On or before July 1, 2015, the department shall*
26 *take final action on an application for a hazardous waste facilities*
27 *permit submitted to the department by a facility operating under*
28 *a grant of interim status pursuant to Section 25200.5 on or before*
29 *January 1, 1986, by either issuing a final permit pursuant to the*
30 *application or a final denial of application.*

31 *(b) Interim status granted pursuant to Section 25200.5 for a*
32 *facility described in subdivision (a) shall terminate on July 1, 2015,*
33 *or on the date on which the department takes final action on the*
34 *application for a hazardous waste facilities permit, whichever is*
35 *earlier.*

36 *(c) Except as proved in subdivision (b), interim status granted*
37 *for a facility before January 1, 2015, shall terminate on January*
38 *1, 2020, or on the date on which the department takes final action*
39 *on the application for a hazardous waste facilities permit,*
40 *whichever is earlier.*

1 (d) *Interim status granted for a facility on or after January 1,*
2 2015, shall terminate five years from the date on which the interim
3 status is granted or on the date on which the department takes
4 final action on the application for a hazardous waste facilities
5 permit, whichever is earlier.

6 ~~SECTION 1. Section 8605 of the Elections Code is amended~~
7 ~~to read:~~

8 ~~8605. A person whose name has been written in upon a ballot~~
9 ~~for an office at the direct primary election may not have his or her~~
10 ~~name placed upon the ballot as a candidate for that office for the~~
11 ~~ensuing general election unless one of the following is applicable:~~

12 ~~(a) At that direct primary election he or she received for a~~
13 ~~partisan office votes equal in number to at least 1 percent of all~~
14 ~~votes cast for the office at the last preceding general election at~~
15 ~~which the office was filled. In the case of an office that has not~~
16 ~~appeared on the ballot since its creation, the requisite number of~~
17 ~~votes shall equal at least 1 percent of the number of all votes cast~~
18 ~~for the office that had the least number of votes in the most recent~~
19 ~~general election in the jurisdiction in which the write-in candidate~~
20 ~~is seeking office.~~

21 ~~(b) He or she is an independent nominee for a partisan office~~
22 ~~pursuant to Part 2 (commencing with Section 8300).~~

23 ~~(c) At that direct primary election he or she received for a~~
24 ~~voter-nominated office the highest number of votes cast for that~~
25 ~~office or the second highest number of votes cast for that office,~~
26 ~~provided that he or she received votes equal in number to at least~~
27 ~~1 percent of all votes cast for the office at the last preceding general~~
28 ~~election at which the office was filled, except as provided by~~
29 ~~subdivision (b) of Section 8142 or Section 8807.~~

30 ~~SEC. 2. This act shall become operative only if Senate~~
31 ~~Constitutional Amendment ___ of the 2013-14 Regular Session is~~
32 ~~approved by the voters.~~